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PRESIDING OFFICER'S
RULING NO. R2001-1/14

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Postal Rate and Fee Changes

Docket No. R2001-1

**PRESIDING OFFICER'S RULING
GRANTING MOTION TO FILE A REPLY**

(Issued November 26, 2001)

On November 21, 2001, the Postal Service moved to file a reply to the Office of Consumer Advocate's response to its motion for protective conditions submitted pursuant to P.O. Ruling R2001-1/7, November 7, 2001.¹ Unless authorized, such a reply is prohibited by the Commission's Rules. See 39 C.F.R. § 21(b). In support of its motion, the Postal Service argues that additional briefing will aid the Presiding Officer in ruling on the Postal Service's motion for protective conditions. Postal Service Motion at 1. In addition, the Postal Service indicates that its reply will include a declaration by the Gallup Organization, which conducted the customer satisfaction surveys in dispute.

On November 23, 2001, the Office of the Consumer Advocate (OCA) responded to the Postal Service's Motion.² The OCA does not oppose the Postal Service's Motion provided its reply is filed by no later than November 28, 2001. Anticipating the Postal Service will raise new arguments, the OCA requests leave to file a rejoinder within four business days of the Postal Service filing its reply. OCA Response at 2.

¹ Motion for Leave to File a Reply to Office of Consumer Advocate Response to United States Postal Service Motion for Protective Conditions for Results of Consumer Satisfaction Surveys, November 21, 2001 (Postal Service Motion).

² Office of the Consumer Advocate Response to Motion of Postal Service for Leave to Reply to OCA's Opposition to Protective Conditions for Results of Consumer Satisfaction Surveys, November 23, 2001 (OCA Response).

The OCA opposed the Postal Service's motion for protective conditions, contending, *inter alia*, that the Postal Service failed to justify its burden of proof.³ The Postal Service requests an opportunity to address that opposition, suggesting, implicitly, that the additional pleading will clarify matters. Further pleadings by the participants may be informative, particularly if the merits of issuing protective conditions, if any, are more fully addressed. In that regard, the Postal Service is again encouraged to detail the potential harm public disclosure may entail.⁴ The OCA also is urged to respond on the merits rather than merely relying on P.O. Ruling R2001-1/7. In conclusion, the Postal Service's Motion is granted, albeit adopting the dates suggested by the OCA. Thus, the Postal Service's reply is due November 28, 2001. The OCA's response, if any, is due by no later than December 4, 2001.

RULING

1. The Motion for Leave to File a Reply to Office of Consumer Advocate Response to United States Postal Service Motion for Protective Conditions for Results of Consumer Satisfaction Surveys, November 21, 2001, is granted. The Postal Service's Reply is due November 28, 2001.
2. The Office of the Consumer Advocate's response, if any, to the Postal Service's reply is due by no later than December 4, 2001.


George Omas
Presiding Officer

³ See Office of the Consumer Advocate Response to the United States Postal Service Motion for Protective Conditions for Results of Consumer Satisfaction Surveys, November 19, 2001, at 5 *et seq.*

⁴ See P.O. Ruling R2001-1/7 at 4. In its response, the OCA argues that the Postal Service's claims are largely unsupported by examples or otherwise. See OCA Response at 7-8.